1836 W. PAISANO AKA 1844 W. PAISANO



BUILDING AND STANDARDS BOARD AGENDA ITEM #8 FOR WEDNESDAY, SEPTEMBER 25, 2013

ENVIRONMENTAL SERVICES DEPARTMENT CODE COMPLIANCE DIVISION

MEMORANDUM September 19, 2013

TO: The Honorable Chairman and Board Members

THROUGH: Elda Hefner Rodriguez, Division Manager, Code Compliance Department

FROM: Tom Maguire, C.B.O., Deputy Building Official

SUBJECT: 1836 W. Paisano aka 1844 W. Paisano, El Paso, Texas, 79922

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on or about October 31, 2012 and several times up to September 19, 2013. The multifamily dwellings were built on or about 1879, constructed of double laid adobe and wood framing with plaster covering. Several units are occupied and pose a hazard to the occupants. The structure shows structural deficiencies and signs of deterioration due to lack of maintenance and exposure to the elements, also notable signs of foundation settlement. There is evidence of water infiltration through holes in the roof and ceiling assembly and causing the decaying of wood members on the wall assembly construction. Due to decaying of wood floor assembly the floor system is concave. There is a large amount of combustible accumulation in vacant rooms. Large amount of windows and doors are broken and painted shut. The electrical, plumbing and mechanical systems have not been maintained. The property is full of weeds, trash and debris.
- 2) A certified condemnation letter was mailed to Hart's Homestead, LP % Charles Johns.
- 3) Certified notices of the public hearing scheduled for September 25, 2013, were mailed to the owners and all interested parties on September 5, 2013.
- 4) As of September 3, 2013, no taxes are owed.

The owner has been notified of the property violations at this property. To date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can be rehabilitated; and
- 5) That the structure be vacated within thirty (30) days; and
- 6) That the structure be secured within thirty (30) days and maintained secure thereafter; and
- 7) That the premises be cleaned of all weeds, trash, and debris within thirty (30) days and maintained clean thereafter; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

Code Compliance Division October 18, 2012

NOTICE OF VIOLATION

Hart's Homestead LP % Charles Johns P. O. Box 1318 Santa Teresa, NM 88008-1318

Re: 1836 W Paisano aka 1844 W Paisano

Blk: OLD FORT BLISS

Lot: W PT OF 4 (19461 SQ FT) (29561 SQ FT

Zoned: M2 ENHS12-00820

91 7199 9991 7030 7652 1232

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structu.re constitutes a hazard to the occupants of the structure or to the public

The structure located at **1836 W PAISANO** aka **1844 W PAISANO** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1, 2, 3, 4, 5, 6]
- e. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. [Sec. 307.1.1]
- f. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3.3, 308.3.1, 308.3.2]
- g. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After *pest elimination*, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- h. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]

- i. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- j. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- k. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- I. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- m. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- n. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- o. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- p. The drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance. [Sec. 507.1]
- q. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- r. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]
- s. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1.1, 604.3.2, 604.3.2.1]
- t. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner. [Sec. 605.1, 605.2, 605.3]
- u. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- v. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the *public way*. [Sec. 702.1, 702.2, 702.3, 702.4]
- w. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained. [Sec. 703.1, 703.2]
- x. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]

- y. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- z. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within <u>30</u> days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Environmental Services Department, Code Compliance Division.

As a result of the aforementioned violations, the following action may be taken:

a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Prosecutor's Office for court proceedings. The court will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Environmental Services Department, Code Compliance Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Code Compliance Division office, 7969 San Paulo Dr., El Paso, Texas, 79907, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 599-6290.

Rodolfo Huerta Jr. Building Inspector

NOTICE OF PUBLIC HEARING

To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

LOCATION: El Paso City Hall, City Council Chamber, 300 N. Campbell, 1st Floor, El Paso, Texas 79901

DATE: September 25, 2013

TIME: 5:30 p.m.

PROPERTY: 1836 W. Paisano Drive, EL PASO, TEXAS also described as **PARCEL 2:** Being a portion of Lot 4, of PLAT OF THE MILITARY RESERVATION AND POST FORT BLISS, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 9, Page 57, of the Plat Records of El Paso County, Texas, being more particularly described by metes and bounds on Exhibit "B" attached hereto and made a part hereof, to the City of El Paso, El Paso County, Texas.

The Property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Hart's Homestead, LP., a Texas Limited Partnership, % Charles Johns, P.O. Box 1318 Santa Teresa, NM 88008-1318, are the owner(s), herein after referred to as the "Owner" of the Property. If you no longer own or have an interest in the Property, you must execute an affidavit stating that you no longer own or have an interest in the Property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907, no later than the 20th day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the Property, even if you do not.

On or about October 15, 202 an inspection of the Property was conducted by the Environmental Services Division and the following violations were identified:

- a. The floors have not been maintained in a safe manner. (Code Sec. 304.1.1.9 of the 2009 International Property Maintenance Code (IPMC)
- b. The walls have not been maintained in a safe manner free of holes and cracks. (Sec. 304.6 & Sec.305.2 of the 2009 IPMC)

- C. The roof structures have not been maintained free of defects that may cause leaks. (Sec. 304.7 of the 2009 IPMC)
- d. The means of egress is/are inadequate and do not meet minimum code requirements. (Sec. 702.4 of the 2009 IPMC)
- e. The plumbing system is inadequate and does not meet minimum code requirements. (Sec. 504.1 of the 2009 IPMC)
- f. The electrical system is inadequate and does not meet minimum code requirements. (Sec. 604.3 of the 2009 IPMC)
- g. The HVAC system is inadequate and does not meet minimum code requirements. (Sec. 603.1 of the 2009 IPMC)
- h. The structures are open and accessible to unauthorized entry. (Sec. 301.3 of the 2009 IPMC)
- i. The premises are full of weeds, trash, and debris (Sec. 302.1 & Sec. 302.4 of the 2009 IPMC)
- j. The structures need to be secured from unwanted entry and ongoing vandalism. (Sec. 108.2 of the 2009 IPMC)

The Owner/s is/are entitled to show cause that the Property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the Owner advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the Property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the Owner/s fail/s to comply with the order of the Commission the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Code Compliance Division of Environmental Services, 7969 San Paulo Drive, El Paso, Texas 79907 or by calling (915) 599-6290.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the Property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM	APPROVED AS TO CONTENT	
John R. Batoon	Tom Maguire, C.B.O.	
Assistant City Attorney	Deputy Building Official	

I, RICHARDA DUFFY MOMSEN, City Cle	rk of the City of El Paso, hereby certify that a true	
and correct copy of the foregoing Notice rega	arding the property located at 1836 W. Paisano	
Drive, El Paso, Texas was PUBLISHED in the official City newspaper on theday		
of, 2013.		
	D: 1 D CC M	
	Richarda Duffy Momsen	
I certify that a true and correct copy of the fo		
1836 W. Paisano Drive, was MAILED CERT	TIFIED-RETURN RECEIPT REQUESTED to:	
Hart's Homestead LP.		
% Charles Johns		
P.O. Box 1318		
Santa Teresa, NM 88008-1318		
34144 151654, 1 M2 00000 1510	Date:	
	Time:	
	Inspector:	
I certify that a true and correct copy of the fo		
1836 W. Paisano Drive, was MAILED CERT	TIFIED-RETURN RECEIPT REQUESTED to:	
Hart's Homestead, L.PA Texas Limited		
Partnership P. O. Box 1318		
Santa Teresa, NM 88009-1318		
Santa Teresa, 1417 00007 1310		
	Date:	
	Time:	
	Inspector:	
I certify that a true and correct copy of the fo		
1836 W. Paisano Drive, was HAND-DELIVI	ERED to:	
City of El Paso		
C/O City Clerk		
#2 Civic Center Plaza		
El Paso, TX 79901	Date:	
	Time:	
	Inspector:	

I certify that a true and correct copy of the foregoing Notice regarding the property at 1836 W. Paisano Drive, was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe

AKA Tigua Indian Community	
119 S. Old Pueblo Road	
El Paso, Texas 79907	
	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the for 1836 W. Paisano Drive, was MAILED CER	oregoing Notice regarding the property at TIFIED-RETURN RECEIPT REQUESTED to:
El Paso Central Appraisal District 5801 Trowbridge Ave.	
El Paso, Texas 79925	D .
	Date:
	Time:
	Inspector:
1836 W. Paisano Drive, was MAILED CER El Paso County Clerk, Probate Dept. 500 E. San Antonio Avenue, Suite 105 El Paso, Texas 79901	TIFIED-RETURN RECEIPT REQUESTED to:
	Date:
	Time: Inspector:
I certify that a true and correct copy of the forms 1836 W. Paisano Drive, was MAILED CER Delgado, Acosta, Spencer Linebarger, Heard & Perez, LLP Attn: Bonnie Cooper 221 N. Kansas Suite 1400 El Paso, TX 79901	oregoing Notice regarding the property at TIFIED-RETURN RECEIPT REQUESTED to:
	Date:
	Time:
	Inspector:

I certify that a true and correct copy of the foregoing Notice was POSTED at
1836 W. Paisano Drive, El Paso, Texas.

Date:		
Time:		
Inspector	:	



UNSAFE STRUCTURES REPORT

ENVIRONMENTAL SERVICES

DATE OF EXAMINATION: October 15, 2012 REP. DISTRICT: 8

ADDRESS: 1836 aka 1844 W. Paisano Dr., El Paso, TX 79922 **ZONED: M2**

LEGAL DESCRIPTION: OLD FORT BLISS W PT OF 4 (21481 SQ FT)

OWNER: Hart's Homestead LP % Charles Johns

ADDRESS: P.O. Box 1318 Santa Teresa, NM 88008-1318

BUILDING USE: Multi-family dwelling

TYPE OF CONSTRUCTION: Type V

FOOTINGS: N/A

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Rubble masonry stone foundation stem wall

CONDITION: Poor. The foundation wall is deteriorated and is compromised at certain areas.

FLOOR STRUCTURE: Basement: concrete slab on grade. 1st and 2nd stories: 2x10 wood joists with subfloor wood decking and T&G finished wood surface.

CONDITION: Poor. Basement: concrete has several cracks and deficiencies. Wood floor system in 1^{st} and 2^{nd} stories: 2x wood floor joists sagging in areas and finish floor cracked or failing or missing.

EXTERIOR WALLS: Adobe: double laid brick

HEIGHT: 30' +/-**THICKNESS:** 18"- 24"+/-

CONDITION: Poor. The exterior walls contain some structural cracks. The plaster coating has fallen in some areas due lack of maintenance.

INTERIOR WALLS & CEILINGS: Walls are of Adobe construction with plaster finish coating Ceilings are wood lath and plaster system.

CONDITION: Poor. The walls and ceilings are unfinished and missing in many areas exposing the underlying wood structural members.

ROOF STRUCTURE: Wood frame with composition shingle roof covering.

CONDITION: Poor. A registered roofing contractor must be hired to evaluate roof system.

DOORS, WINDOWS, ETC.: Wood frame doors and windows

CONDITION: Poor. Doors and window glass are broken; the doors and windows will need to be replaced to meet minimum code compliance.

MEANS OF EGRESS: Does not meet means of egress.

CONDITION: Poor. Doors and windows must be replaced to meet means of egress building code compliance.

PLUMBING: Noncompliant.

CONDITION: Poor. A licensed plumbing contractor must be hired to evaluate the entire plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code compliance.

ELECTRICAL: Noncompliant.

CONDITION: Poor. A licensed electrical contractor must be hired to evaluate the entire electrical system and submit a report to this department on the corrective action required to bring the system up to minimum code and compliance.

MECHANICAL: Noncompliant.

CONDITION: Poor. A licensed mechanical contractor must be hired to evaluate the entire mechanical system and submit a report to the department system and submit a report to the department on the corrective action required to bring the system up to minimum code compliance.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: Approx. 6 +/-

WARNING POSTED: Yes BARRICADED: No POLICE AID REQD. : Yes

REMARKS: The multi family dwelling was built on or about 1879. The structure was found to be in an advanced state of disrepair. The exterior walls show signs of plaster failure due to lack of maintenance, the doors and windows are in a dilapidated condition. The glass panes on several windows have been broken or missing. The roof system has failed due to lack of maintenance and the ceiling system is in disrepair throughout the structure. The plumbing, electrical, and mechanical systems do not meet minimum code requirements. There are weeds, trash and debris throughout the property. The department recommends that the structures be vacated and be secured within thirty (30) days and that the property be cleaned of all weeds, trash and debris within thirty (30) days.

Rodolfo Huerta **Building Inspector**

TAX REPORT

